



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Workshop

CITY COMMISSIONERS

Jacqueline Moore, Mayor
Rhonda Y. DiFranco, Vice-Mayor
Cheryl Cook, Commissioner
Tom Jones, Commissioner
Linda M. Yates, Commissioner

APPOINTED OFFICIALS

Jonathan R. Lewis, City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk

Friday, October 21, 2016

9:00 AM

CITY HALL ROOM 244

MINUTES APPROVED AT THE 12-13-2016 MEETING.

CALL TO ORDER/ROLL CALL – JACQUELINE MOORE, MAYOR

The North Port City Commission Workshop Meeting was called to order at 9:00 a.m. in Room 244 by Mayor Moore.

Present: Mayor Moore; Vice Mayor DiFranco; Commissioners Jones and Yates; City Manager Lewis; Assistant City Attorney Slayton; City Clerk Adkins; and Recording Secretary Goodman.

Absent: Commissioner Cook.

The Pledge of Allegiance was led by the Commission.

A. [16-0577](#)

Warm Mineral Springs Structural Assessment Report

General Services Director Carmichael provided an overview and introduced Karl Kokomoor, President DMK Associates who provided a PowerPoint presentation regarding the Phase 2, Structural Assessment Final Report. Mr. Kokomoor noted that items for discussion could include renovation versus replacement of buildings; preliminary predictions of costs and recommendations as provided in the final report. Recommendations included: (1) Building 1 function could be met upon rehabilitation and would be the perfect target for maintaining historic preservation attracting tourist as the design of Jack West and the Sarasota School of Architecture under the modernism design method; (2) Building 2 is the most functional building assuming that additional structures and features were not added around it. It is recommended replacing Building 2 with a higher level of function; (3) According to the State Preservation Officer, historic eligibility may be maintained by rehabilitating Building 1 and replacing Building 2 while staying within certain guidelines; (4) the Cyclorama should be restored; (5) replacing Building 2 could be designed in a modernism style or the Jack West design which would assist in maintaining the historic integrity; (5) regarding Building 1, the plans would require approval by the State Preservation Officer to enable continuance of letters noting that the site is still eligible for the historic designation; (6) grant funding is available for all elements up to the time of applying for historic eligibility; (7) opinions of cost for renovating/reconstructing Buildings 1, 2 and the Cyclorama were provided.

Direction from the Commission was requested to (1) make a decision on what to save and to eliminate; (2) authorize the selection of a consultant for the design and move into the development stage of plans and specifications to enable a competitive bid process for the construction/restoration of the buildings.

Public comment was held from 9:28 a.m. to 9:35 a.m.

Discussion ensued regarding: (1) addressing a question, Mr. Kokomoor noted that replacing Building 2 can be done while following the guidance of the State Preservation Office and maintaining the inner structure. There is interest in keeping the exterior integrity of the building while repurposing the inside of the building to a more current need. The recommendation from DMK for Building 2 is a higher level of function and can be achieved without compromising the central walls and dividing the area to create more ADA and restaurant space. If done properly, it is believed that the historic eligibility for Building 2 can be maintained, however it is recommended that Building 2 be replaced rather than renovated; (2) Commissioner Yates suggested that the space in Building 2 could be used as a museum and education area to enable a tourist attraction if the building was renovated rather than replaced. The decision of renovation versus replacing should be based on what the Commission decides the space would be used for; (3) Mr. Kokomoor noted that the overlying issue with Building 2 is the condition of the roof. The renovation of the roof would not jeopardize the historic eligibility; (4) Mr. Kokomoor noted that the surrounding site plans are open to whatever development the Commission deems appropriate while following Code; (5) a review of the letter from the Bureau of Historic Preservation and Deputy State Historic Preservation Officer was provided; (6) addressing a question regarding the letter, Mr. Kokomoor noted that when the letter was received, Marion Almy, Archaeological Consultants, Inc. was contacted to clarify the Warm Mineral Springs Building Complex Resource Group as listed in the letter. It was then noted that there are several criteria in which the buildings individually and collectively can be listed on the National Registry depending on what the Commission decides.

Mr. Kokomoor read into the record an email received from Timothy A. Parsons, Ph.D., Division Director, State Historic Preservation Office, Division of Historical Resources, Florida Department of State, which reads:

I'm happy to provide some clarification. I'll list my responses to the two questions below:

1. The buildings individually, and the resource group as a whole, have been determined to be eligible for the National Register of Historic Places by the SHPO.
2. If I understand correctly, the question is if we can "split" SO6928 into two site numbers so that the Florida Master Site File is consistent with the rehab report. That seems unnecessary to me. And based on the description in the FMSF historic structure form it makes sense to consider it a single resource for the purposes of the Site File. At any rate, regardless of whether or not the components of SO6928 are recorded in the FMSF, the demolition of any component may (or may not) endanger any potential future listing on the National Register. It depends on why it is being demolished, what it is replaced with, and if any new construction would affect the integrity of the resource group.

Discussion continued regarding: (1) City Manager Lewis, addressing a question regarding the Unified Land Development Code reference to historic properties and the process for moving forward with Commission direction regarding the historic designation of property, noted that it depends on the direction of the Commission. There is a chapter in the ULDC addressing historic issues and depending on the Commission direction a waiver could be obtained if not of a statutory regulation; (2)

Mayor Moore and Commissioner Yates agreed that all 3 buildings should be eligible for historic designation. Vice-Mayor DiFranco and Commissioner Jones offered no opinion; (3) Commissioner Yates suggested that future use of the buildings should be maximized for public education opportunities regarding the history of North Port and Warm Mineral Springs and that other amenities could be developed within the surrounding site; (4) public input will be provided for the future use of the buildings; (5) life safety issues would prevent the opening of the buildings until those issues are addressed; (6) Commissioner Jones suggested that before a decision is made regarding the future of the buildings at Warm Mineral Springs, the question is put on a Referendum for the public to decide; (7) Commissioner Yates suggested that staff provide the Commission with the necessary agenda items to designate the historic value of the buildings at Warm Mineral Springs; (8) Mr. Kokomoor noted that DMK will provide a plan for consideration subsequent to Commission direction.

City Manager summarized the Commission direction noting that, staff will present to the Commission the steps required for historic property designation as regulated in the Unified Land Development Code to enable the Commission to determine the next steps in addressing the buildings at Warm Mineral Springs and if deemed necessary by the Commission will have the consultants from DMK present to answer questions.

Recess from 10:08 a.m. to 10:40 a.m.

B. [16-0604](#)

Discussion regarding the 2017 State Legislative Priorities

City Manager Lewis provided an overview and requested a "framework" to provide to the City Lobbyist to bring back to the Commission for formal approval.

Mayor Moore provided a review of the backup material including the 2017 Interim Committee Meeting Schedule and the 2016 City of North Port Legislative Priorities.

In reviewing the 2016 Legislative Priorities, Mayor Moore read into the record the Legislative Priorities starting with "Home Rule" which reads:

The City of North Port Supports:

1. Efforts to strengthen the Sober Home legislation that was passed in 2015.
2. Efforts to ensure any revisions to the Communications Services Tax (CST) are revenue neutral and allow for growth.

The City of North Port Opposes:

1. Impeding the authority of municipalities to implement the Local Business Tax.
2. Restricting municipal authority over zoning and rezoning decisions.

Subsequent to review: (1) Commissioner Jones had no changes; (2) Vice-Mayor DiFranco had no changes; (3) Commissioner Yates expressed an emphasis on local business tax and was in agreement with Mayor Moore to include terminology to the opposition in regards to unfunded State mandates.

Mayor Moore read into the record the 2016 Legislative Priorities regarding "Infrastructure" which reads:

The City of North Port Supports:

1. Promoting partnership that use local funds to leverage state dollars for local infrastructure construction projects.
2. Securing direct state funding for arterial roads and state highways in the Florida Department of Transportation work program.

The City of North Port Opposes:

1. Efforts to require local governments to pay for relocation of utilities in the publicly owned right-of-way.

Subsequent to review: (1) Vice-Mayor DiFranco had no changes; (2) Commissioner Jones had no changes; (3) Commissioner Yates suggested that staff add language that is more specific in securing state funding for projects that directly impact North Port including stormwater and dredging projects. Regarding arterial roads and state highways, it was suggested that staff add language to emphasize River Road, Price Boulevard and Legacy Trail. It was further suggested for staff to include language which would include assistance when mandated to relocate infrastructure.

Mayor Moore read into the record the 2016 Legislative Priorities regarding "Environmental" which reads:

The City of North Port Supports:

1. Securing direct state funding for aquifer storage and recovery systems and storm water mitigation programs.
2. Enhancement of the Myakkahatchee Creek area, including the environmental park and greenway.

Subsequent to review, there were no changes suggested.

Mayor Moore read into the record the 2016 Legislative Priorities regarding "General" which reads:

The City of North Port Supports:

1. Discouraging or eliminating intentional schemes designed to generate alleged violations of public records laws to create civil liability.
2. Prohibiting a person from recreationally discharging a firearm outdoors in a primarily residential area.

Subsequent to review: (1) Commissioner Jones had no changes; (2) Vice-Mayor DiFranco had no changes; (3) Commissioner Yates noted that the State made modifications to the language addressing the discharge of firearms stating that if there is more than 1 residential home located within 1 acre of land, it should be prohibited. It was suggested that the language should be modified noting that restrictions should be based on the proximity of residents to each other rather than the size of the land they are located on; (4) Vice-Mayor DiFranco questioned how restrictive the Commission is willing to enforce the discharge of firearms. Florida Statute states that firearms cannot be discharged within 1000 feet of a structure; (5) Commissioner Yates noted that through contact with State Legislators it was reported that the 1000 feet restriction was from a vehicle and the argument was if from a vehicle, why not make the 1000 feet from a residence; (6) Assistant Police Chief Pelfrey noted that it was unclear if the language "1000 feet from a structure" pertained to a residence. Assistant Police Chief Pelfrey agreed to research Florida Statutes and provide a clearer summary to the Commission; (7) it was suggested by Mayor Moore and Commissioner Yates to delay any decision on the prohibition of discharging firearms until more information is provided; (8) Vice-Mayor DiFranco noted that it is imperative that the language of the law be given for law enforcement to enforce the law including defining the range/target that a firearm can be discharged from a resident/structure and the definition of reckless discharge of a firearm; (9) City Manager Lewis noted that much of the conversation revolves around Florida Statute Section 790 which dealt with discharge of a firearm, targets/ranges, proximity to dwelling units, day care, parks and schools and if Florida Statutes is clear enough to give law enforcement a bases to follow the Statutory Provisions. It further prevented a Municipality from having a reasonable requirement for residential target ranges; (10) Commissioner Yates noted that the frustration for law enforcement was the ambiguity of the Statute.

Subsequent to Mayor Moore requesting a clear direction for staff regarding the

discharge of a firearm including negligence, residential restrictions, and assisting local law enforcement in enforcing the law, City Manager Lewis noted that the Commission adopted a Resolution in 2015 regarding the reckless and negligent discharge of a firearm which will be provided to the Commission. City Manager Lewis further agreed to research the State's Law Enforcement Agencies to ascertain if the Agencies have taken a current stance on Florida Statute regarding this issue.

Discussion continued: (1) Commission Jones recommended that recreational discharging of a firearm be prohibited on property less than 4 acres; (2) City Manager Lewis reiterated that the important issue to consider is the safety and clear direction for law enforcement.

Mayor Moore read into the record the 2016 Legislative Priorities regarding "Moreover, the City of North Port supports the Following" which reads:

1. The Florida League of Cities Legislative Program unless specific issues conflict with the City of North Port Commission positions.
2. The legislative priorities of the other municipalities within the County unless specific issues conflict with the City of North Port Commission positions.
3. The legislative priorities of Sarasota County and Charlotte County unless specific issues conflict with the North Port Commission positions.

Discussion ensued regarding: (1) Vice-Mayor DiFranco had no changes; (2) Commissioner Jones had no changes; (3) Commissioner Yates requested the addition of repealing the process for the Certificate of Need with Mayor Moore, Vice-Mayor DiFranco and Commissioner Jones agreeing to include that the City of North Port supports repealing the process for the Certificate of Need; (4) Commissioner Yates noted that there was legislation dealing with impact fees and local government's ability to implement and apply impact fees. This needs be asserted as a Home Rule issue protecting the City's ability to determine impact fees. All agreed this issue should be included under Home Rule; (5) subsequent to Commissioner Yates requesting a method of capturing costs and imposing fines for codes violations against government agencies such as a CDD, Assistant City Attorney Slayton noted that there is a section in the CDD statutes that states no entity or person can collect or enforce a lien against a CDD; (6) Commissioner Yates clarified her request stating that she would like to lobby for language to make it possible to collect and enforce a lien against a CDD; (7) Vice-Mayor DiFranco expressed concern that this would confuse the process of a CDD and other government entities; (8) Commissioner Yates clarified her position by stating if a CDD is responsible by Agreement to maintain their areas, that is part of our Code. If you don't maintain your responsibility, you are going to get fined. Due to Statutory language, we do not have the ability to fine or lien a CDD or other government entity to compel what is required according to our Code. Preventing the ability to compel government entities to do the work required to follow code could pressure them to determine it is more cost effective to not do the work that they should be doing as required by Code; (9) Assistant City Attorney Slayton noted that you can fine a CDD but have no avenue to collect; (10) answering a question from Vice-Mayor DiFranco, Commissioner Yates clarified what she would like to see; a mechanism added to the Legislative Priorities to hold government entities accountable for Code violations as required; (11) all agreed for staff to bring back language to add to the Legislative Priorities for a mechanism to hold government entities accountable for Code violations.

Further Discussion ensued regarding: (1) Mayor Moore inquired if there was anything in the Legislative Priorities which would address the historic aspect of North Port and funding for historic designations; (2) Vice-Mayor DiFranco expressed the opinion that that issue should be addressed in another venue other than Legislative Priorities; (3) Commissioner Yates expressed that there are opportunities with the Legislative Priorities to specifically request things for North Port interests. Other jurisdictions make requests for funding in their Legislative Priorities for projects within their community.

We received State funding for the USGS study at Warm Mineral Springs and it is important to ask for further funding to assist in the necessary future studies regarding infrastructure, environmental and historic value; (4) Vice-Mayor DiFranco noted that the requesting other municipalities and the Florida League of Cities will probably not support efforts to promote funding for Warm Mineral Springs. Funding for other projects such as utilities and road issues would be an acceptable focus. The City Lobbyist could push for funding for Warm Mineral Springs, but other municipalities would probably not support this issue as it is unique to North Port; (5) Commissioner Jones, Commissioner Yates and Mayor Moore expressed support for adding funding for Warm Mineral Springs to the list of priorities.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Moore adjourned the North Port City Commission Workshop Meeting at 11:09 a.m.

City of North Port, Florida

By: _____
Linda M. Yates, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2016